

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

BRANDON T. BEYERLIN,

Plaintiff,

vs.

COMMISSIONER,  
Social Security Administration,

Defendant.

Case No. 6:15-cv-01434-SI

ORDER GRANTING PLAINTIFF'S  
UNOPPOSED SUPPLEMENTAL  
MOTION FOR ATTORNEY FEES  
PURSUANT TO 42 U.S.C. § 406(b)

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Plaintiff Brandon T. Beyerlin brought this action seeking review of the Commissioner's final decision denying his application for disability benefits under the Social Security Act. Pursuant to a Mandate remanding the case for further administrative proceedings issued by the U.S. Court of Appeals for the Ninth Circuit, the Commissioner issued a Notice finding Plaintiff entitled to benefits beginning July 2014. Based on this Notice, the Court previously awarded Plaintiff's counsel \$15,190.94 in attorney fees pursuant to 42 U.S.C. § 406(b), representing a gross fee award of 25% of Plaintiff's retroactive benefits in the amount of \$25,921.60, less the \$10,730.66 EAJA fees previously received by Plaintiff's counsel.

In May 2022, the Commissioner issued a subsequent Notice finding that Plaintiff became entitled to benefits beginning January 2013. Based on this Notice, Plaintiff now seeks a

supplemental award of fees pursuant to 42 U.S.C. § 406(b). Defendant has not objected to the request. The Court has reviewed the record in this case, the motion, and the supporting materials, including the award of benefits, the fee agreement with counsel, and the recitation of counsel's hours and services. Applying the standards set by *Gisbrecht v. Barnhart*, 535 U.S. 789, 796 (2002), the Court finds that the requested fees are reasonable.

Plaintiff's Supplemental Motion for Attorney Fees Pursuant to 42 U.S.C. 406(b) is hereby GRANTED, and Plaintiff's counsel is awarded \$6,563.00 in attorney fees from Plaintiff's past-due benefits under 42 U.S.C. § 406(b). When issuing the § 406(b) check for payment to Plaintiff's attorney, the Commissioner is directed to send the full award of \$6,563.00, less any applicable processing or user fees prescribed by statute, to Plaintiff's attorneys at WELLS, MANNING, EITENMILLER & TAYLOR, P.C.,<sup>1</sup> 474 Willamette Street, Eugene, Oregon 97401 or the address on file with the Commissioner. Any amount withheld after all administrative and court attorney fees are paid should be released to the claimant.

IT IS SO ORDERED this 5th day of July 2022.



MICHAEL H. SIMON  
United States District Judge

Proposed Order submitted by:  
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